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Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☒ **Initial Agency Notice** ☐ **Agency Decision**

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Agency Name: State Water Control Board

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
9 VAC 25-720	Water Quality Management Planning Regulation

Statutory Authority: State mandate in the Code of Virginia, §62.1-44.15 (10), is the source of legal authority identified to promulgate these amendments. The promulgating entity is the State Water Control Board.

Name of petitioner: Jesse W. Moffett, Executive Director, Frederick-Winchester Service Authority (FWSA)

Nature of petitioner's request: Amend the Water Quality Management Planning Regulation (9 VAC 25-720-50.C), to modify total nitrogen (TN) and total phosphorus (TP) waste load allocations for the FWSA-Opequon Water Reclamation Facility; VPDES Permit No. 0065552. The TN and TP allocations are currently based on a permitted design capacity of 8.4 million gallons per day (MGD), and FWSA claims that the existing infrastructure is more appropriately classified as 12.6 MGD. FWSA requests that the facility's waste load allocations be increased from 102,336 lbs/yr to 153,422 lbs/yr for TN, and from 7,675 lbs/yr to 11,506 lbs/yr for TP, to reflect a design capacity of 12.6 MGD.

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: Public-notice receipt of the petition and provide for a 21-day public comment period. Upon close of the public comment period, review any comments received and then make a decision to either initiate a rulemaking or place the petition on the Board's next meeting agenda for their consideration.

Comments may be submitted until December 4, 2006

AGENCY DECISION

☐ **Request Granted**

☐ **Request Denied**

Statement of reasons for decision:

Agency Contact for Further Information:

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